



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/534,441

05/10/2005

Yoshinori Tanaka

052483

4713

38834

7590

09/22/2008

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

1250 CONNECTICUT AVENUE, NW

SUITE 700

WASHINGTON, DC 20036

EXAMINER

WINKLER, MELISSA A

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

09/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

Applicant's arguments filed August 28, 2008 have been fully considered but they are not persuasive because:

Regarding applicant's argument that the instant claims setting forth a pre-mix composition are not anticipated by Singh et al. which does not teach a pre-mix composition, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (MPEP 2131)

The Office acknowledges Singh et al. teach, on pages 19 and 25, that all ingredients listed on the "Polyol Side" (polyol, catalyst, foaming agent, foam stabilizers, and other additives) are mixed before the addition of HFC-245a. However, as noted by applicant, HFC-245a is then added to the mixture. According to the instant specification, pre-mix compositions are created by preparing a blend of polyol, catalyst, foaming agent, foam stabilizers, and other additives separately from isocyanate. Foaming and curing then can be initiated by mixing the premix composition and the isocyanate (Instant Specification: Page 1, Line 23 – Page 2, Line 3). The "Polyol Side" mixture comprising HFC-245a taught by Singh et al. is subsequently blended with isocyanate to form a foam. It is consequently the Office's position that the instant claims setting forth a pre-mix composition are anticipated by the "Polyol Side" mixture comprising HFC-245a taught by Singh et al.

Furthermore, though Singh et al. does not expressly teach storing the claimed composition prior to mixing with isocyanate, a composition is evaluated by what it is rather than by its intended use or properties.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELISSA WINKLER whose telephone number is (571)270-3305. The examiner can normally be reached on Monday - Friday 7:30AM - 5PM E.S.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on (571)272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo, Ph.D./
Supervisory Patent Examiner, Art Unit 1796
18-Sep-08

MW
September 15, 2008